

## **REMARKS**

In response to the Final Office Action, Claims 1, 6 and 10 are amended. Claims 15 and 16 are cancelled. Claims 1-14 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

### **I. Claims Rejected Under 35 U.S.C. §102**

Claims 1-14 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Publication No. 2003/0125040 to Walton et al. (“Walton”).

Applicants submit that Walton does not disclose the transmission of the standard normalized standard deviation of SNRs from a receiver to a transmitter.

The Examiner indicates that Walton discloses the calculation of noise variance, which is the square of the standard deviation of noise (see Walton at paragraphs 180-187). However, the standard deviation of noise is different from the standard deviation of SNR (Signal to Noise Ratio). In the specification on pages 14-15, examples of calculating the variance of SNR is shown in equations 2 and 4. Walton merely discloses the use of noise variance to calculate SNRs, but does not disclose the calculation of the variance (or the normalized standard deviation) of the SNRs. There is no indication in Walton that the normalized standard deviation of SNRs is calculated by the receiver. Thus, for at least this reason, Walton does not teach each of the elements of independent Claims 1, 6, 10 and 14.

Moreover, Applicants further amend independent Claims 1 and 10 to include the limitations of “wherein the transmit power is determined based on a transmit power determined according to the mean of the SNRs and an increasing transmit power determined according to the normalized standard deviation of the SNRs.” Walton does not disclose the normalized standard deviation of the SNRs. Thus, Walton cannot be interpreted as disclosing that the transmit power is determined based on a transmit power determined according to the mean of the SNRs and an increasing transmit power determined according to the normalized standard deviation of the SNRs. Thus, Walton does not teach each of the elements of independent Claims 1 and 10 for this additional reason.

Applicants further amend independent Claim 6 to improve clarity.

For at least the reasons mentioned above, Walton does not teach each of the elements of independent Claims 1, 6, 10 and 14, as well as their respective dependent claims. Accordingly, reconsideration and withdrawal of the §102 rejection of Claims 1-14 are respectfully requested.

## **II. Claims Rejected Under 35 U.S.C. §103**

Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walton.

Claims 15 and 16 are cancelled. Accordingly, withdrawal of the §103 rejection of Claims 15 and 16 is respectfully requested.

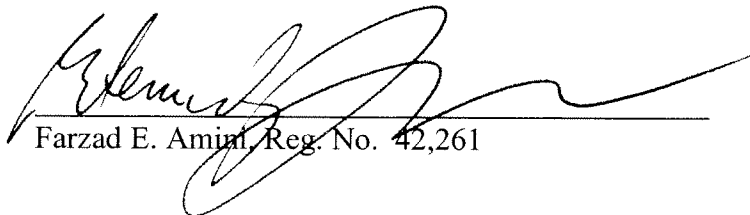
### **CONCLUSION**

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Alexandra Y. Caluen May 7, 2008